

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

CYNTHIA E. RHOADES,
an individual,

Plaintiff,

v.

Case No. 3:18-cv-00123-SB

OPINION AND ORDER

ELLEN ROSENBLUM,
in her official capacity; **FREDERICK BOSS**, in his official capacity;
DAWN FAULKNER, in her official capacity; **LYNN GAGE**, in her official capacity; **ANGIE SIFUENTEZ**, in her official capacity; and **ROBERT KORESKE**, in his official capacity,

Defendants.

MOSMAN, J.,

On October 7, 2019, Magistrate Judge Stacie F. Beckerman issued her Findings and Recommendation (“F&R”) [47], recommending that Defendants’ Motion to Dismiss Plaintiff’s Second Amended Complaint [38] be denied. Defendants objected [49], and Plaintiff filed a response to the objection [53].

DISCUSSION

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge but retains responsibility for making the final determination. The court is generally required to


make a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).

CONCLUSION

Upon review, I agree with Judge Beckerman's recommendation and I ADOPT the F&R [47] in full. I DENY Defendant's Motion to Dismiss Plaintiff's Second Amended Complaint [38]. I refer this matter back to Judge Beckerman for an appropriate scheduling order.

IT IS SO ORDERED.

DATED this 26 day of November, 2019.



MICHAEL W. MOSMAN
Chief United States District Judge